

JAMES E. HARPER
Nevada Bar No. 9822
HARPER | SELIM
1935 Village Center Circle
Las Vegas, Nevada 89134
Phone: (702) 948-9240
Fax: (702) 778-6600
Email: eservice@harperselim.com
Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OKSANA PENZOVA, individually,

Plaintiff,

vs.

OSCAR JOHN MOYA, an individual;
NICOLE ESQUIBEL, an individual; and
DOES 1-10; and ROES 11-20, inclusive,

Defendants.

CASE NO.: 2:23-CV-01043-APG-EJY

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE WITH
LR 26-1(e)**

Plaintiff, OKSANA PENZOVA (“Plaintiff”), by and through her counsel of record, AKARI LAW FIRM, and Defendants, OSCAR JOHN MOYA and NICOLE ESQUIBEL (“Defendants”), by and through their counsel of record, HARPER | SELIM, hereby stipulate and agree to the following Joint Discovery Plan and Scheduling Order:

1. Meeting: Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(d), a meeting was held on August 14, 2023 and conducted by and between Sean J. Akari, Esq. on behalf of Plaintiff and James E. Harper, Esq. on behalf of Defendants.

2. Pre-Discovery Disclosures: Pursuant to Fed. R. Civ. P. Rule 26(a)(1), the parties will make their initial disclosures, including any Computation(s) of Damages required pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii), by August 31, 2023.

3. Areas of Discovery: The parties agree that the areas of discovery should include all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. Discovery Cut-Off Date: The last day to conduct discovery, which is one hundred

eighty (180) days from August 14, 2023, shall be February 12, 2024¹.

5. Amending The Pleading And Adding Parties: The last day to file any motion(s) to amend pleadings or to add parties, which is ninety (90) days before the discovery cut-off deadline, shall be November 14, 2023.

6. FRCP 26(A)(2) Disclosure (Experts):

a. The last day to disclose initial expert witnesses, which is sixty (60) days before the discovery cut-off deadline, shall be December 14, 2023.

b. The last day to disclose rebuttal expert witnesses, which is (30) days after the deadline to disclose initial expert witnesses, shall be January 16, 2024².

7. Dispositive Motions: The last day to file any dispositive motions, which is thirty (30) days after the discovery cut-off deadline, shall be March 13, 2024.

8. Pre-Trial Order: The Joint Pretrial Order shall be filed by April 12, 2024, which is not more than thirty (30) days after the date set for filing dispositive motions in the case. This deadline is suspended if dispositive motions are timely filed.

9. Fed. R. Civ. P. 26(a)(3) Disclosures: Unless the discovery plan otherwise provided and the Court so orders, the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be included in the pretrial order.

10. Extensions or Modifications of the Discovery Plan and Scheduling Order: LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth in the Discovery Plan and Scheduling Order must be made not later than 21 days before the subject deadline. Any stipulation or motion to extend the discovery cut-off deadline must be made no later than January 24, 2024, 21 days before the discovery cut-off date.

¹ This deadline falls on Saturday, February 10, 2024. As a result, this deadline extends to the next court day of Monday, February 12, 2024, by operation of NRCP 6.

² This deadline falls on Saturday, January 13, 2024. As a result, this deadline extends to the next court day of Tuesday, January 16, 2024, by operation of NRCP 6.

11. Court Conferences: If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.

12. Format of Discovery: Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

13. Rule 35 Medical Examination: Defendant reserves the right to have Plaintiff undergo a Rule 35 medical examination performed by Defendant's doctor(s), at a time to be determined by the parties. Said medical examination is to proceed pursuant to Rule 35 of the Federal Rules of Civil Procedure. This agreement is not to be construed as a waiver of any valid objections thereto.

14. Alternative Dispute Resolution: The parties certify that they met and conferred about the possibility of using alternative dispute resolution processes, including mediation, arbitration, and, if applicable, early neutral evaluation.

15. Alternative Forms of Case Disposition: The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, and the use of the Short Trial Program (General Order 2013-01).

///

16. Electronic Evidence: The parties certify that they may present evidence in electronic format to jurors for the purpose of jury deliberations in compliance with the Court's electronic jury evidence display system.

DATED this 21st day of August 2023.

DATED this 21st day of August 2023.

AKARI LAW FIRM

HARPER | SELIM

/s/ Sean J. Akari

/s/ James E. Harper

SEAN J. AKARI
Nevada Bar No. 13300
9303 Gilcrease Avenue, Ste. 1252
Las Vegas, Nevada 89149
Attorney for Plaintiff

JAMES E. HARPER
Nevada Bar No. 9822
1935 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Defendants

ORDER

IT IS SO ORDERED.


UNITED STATE MAGISTRATE JUDGE

Dated: August 22, 2023